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September 9, 2019

**Via ECF**

Honorable Yvonne Gonzalez Rogers  
U.S. District Court, Northern District of California  
Oakland Courthouse, Courtroom 1 – 4th Floor  
1301 Clay Street  
Oakland, CA 94612

Re: ***Ignacio Perez, et al. v. Rash Curtis & Associates; Case No. 4:16-cv-03396-YGR JSC***

Dear Judge Gonzalez Rogers:

Plaintiff, on behalf of himself and the Class, hereby withdraws the claim that Defendant violated the TCPA “willfully or knowingly.”

The issue of whether Defendant violated the TCPA “willfully or knowingly” was presented to the Court during a brief “Phase 2” of the trial of this matter, which began while the jury was deliberating. When the jury returned its verdict, your Honor asked “is this [Phase 2] really necessary at this point?” Trial Tr. at 803. I responded that it was, and the presentation of evidence for Phase 2 was completed that day. The parties submitted closing arguments concerning Phase 2 on May 20, 2019. Docs. 361 & 362. Thereafter the parties had two settlement conferences, but no settlement has been reached.

Class Counsel recognize that our decision to withdraw the claim is a reversal of the position we took during Phase 2 of the trial. We also understand that our failure to withdraw the claim earlier, when your Honor suggested it, may have caused the Court to do extra work that could have been avoided. Nevertheless, we now believe that withdrawing the claim will best serve the interests of the Class.

Class Counsel respectfully requests that the Court simply enter final judgment in the form that we previously submitted, Doc. 359.

Very truly yours,

A handwritten signature in blue ink that reads 'Scott A. Bursor'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Scott A. Bursor